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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: MERCK & CO., INC. SECURITIES,
DERIVATIVE & "ERISA" LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO:

Case No. 2:05-CV-05060-SRC

THE STICHTING PENSIOENFONDS ABP
ACTION

**ORAL ARGUMENT
REQUESTED**

**NOTICE OF DEFENDANT DR. EDWARD M. SCOLNICK'S
MOTION TO DISMISS STICHTING PENSIOENFONDS ABP'S
SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that on April 2, 2012 or as soon thereafter as counsel may be heard, Defendant Dr. Edward M. Scolnick, by his undersigned counsel, and pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, shall apply to the Honorable Stanley R. Chesler, of the United States District Court for the District of New Jersey, at the Frank R. Lautenberg U.S. Post Office & Courthouse, Room 417, Federal Square, P.O. Box 999 Newark, New Jersey 07101, for an Order dismissing with prejudice Stichting Pensioenfonds ABP's Second Amended Complaint on the grounds, among others, that Plaintiffs have failed to state a claim upon which relief may be granted. Defendant Dr. Edward M. Scolnick will rely in support of the motion on the Memorandum of Law and Certification of Sheila A. Sadighi, Esq. submitted herewith. A proposed form of Order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is respectfully requested.

Dated: Roseland, New Jersey
January 20, 2012

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